



March 19, 2003

ENGROSSED HOUSE BILL No. 1656

DIGEST OF HB 1656 (Updated March 17, 2003 11:26 AM - DI 77)

Citations Affected: IC 14-8; IC 14-22; noncode.

Synopsis: Fish and wildlife. Requires the department of natural resources to implement an automated point of sale hunting, fishing, and trapping licensing system. Provides for funding of the system. Provides for the bonding of an agent authorized to sell licenses until the earlier of the date the agent begins to offer licenses under the automated point of sale system or July 1, 2005. Removes authority of the circuit court clerk to designate subagents to sell licenses. Increases various fish and wildlife license and permit fees. Authorizes an annual field trial permit. Authorizes an annual permit for a person who charges a fee for providing nuisance wild animal control services to the public to take, kill, or capture a nuisance wild animal. Makes conforming amendments. Repeals a statute that permits only agents who are not state employees to retain service fees. (The introduced version of this bill was prepared by the natural resources study committee.)

Effective: July 1, 2003; July 1, 2005.

Bischoff, Ulmer, Hoffman, LaPlante
(SENATE SPONSORS — SKILLMAN, WEATHERWAX, LEWIS, YOUNG R)

January 21, 2003, read first time and referred to Committee on Agriculture, Natural Resources and Rural Development.

January 23, 2003, amended, reported — Do Pass. Referred to Committee on Ways and Means pursuant to Rule 127.

February 13, 2003, reported — Do Pass.

February 18, 2003, read second time, amended, ordered engrossed.

February 19, 2003, engrossed.

February 20, 2003, read third time, passed. Yeas 68, nays 26.

SENATE ACTION

February 27, 2003, read first time and referred to Committee on Natural Resources.

March 18, 2003, amended, reported favorably — Do Pass; reassigned to Committee on Finance.

EH 1656—LS 7434/DI 77+



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March 19, 2003

First Regular Session 113th General Assembly (2003)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2002 Regular or Special Session of the General Assembly.

ENGROSSED HOUSE BILL No. 1656

A BILL FOR AN ACT to amend the Indiana Code concerning
natural and cultural resources.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 14-8-2-16.5 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2003]: **Sec. 16.5. "Automated point of sale licensing system", for**
4 **purposes of IC 14-22, has the meaning set forth in**
5 **IC 14-22-12-7.5(a).**
- 6 SECTION 2. IC 14-22-3-5 IS AMENDED TO READ AS
7 FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 5. (a) Except as
8 provided in subsection (b), the money in the fund shall be used for the
9 following purposes:
- 10 (1) Protecting and propagating game, fish, and birds in Indiana.
11 (2) Paying the operational expenses of the following:
12 (A) The fish and wildlife division.
13 (B) The law enforcement division.
- 14 **(3) Maintaining the automated point of sale licensing system**
15 **implemented under IC 14-22-12-7.5. However, the amount**
16 **that may be used under this subdivision during a fiscal year**
17 **may not exceed the amount transferred on July 1 of that fiscal**

EH 1656—LS 7434/DI 77+



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1 **year under IC 14-22-4-6.**

2 (b) Money in the fund that is attributable to money deposited under
3 IC 33-19-7-5 shall be used to administer the following:

4 (1) The turn in a poacher program established under
5 IC 14-9-8-23.

6 (2) The reward system established under the program.

7 SECTION 3. IC 14-22-4-6 IS AMENDED TO READ AS
8 FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 6. (a) On July 1 of each
9 year:

10 (1) all of the accumulated earnings in the fund; plus

11 (2) two and one-half percent (2 1/2%) of the money in the fund,
12 less the accumulated earnings;

13 shall be transferred to the fish and wildlife fund **to maintain the**
14 **automated point of sale licensing system implemented under**
15 **IC 14-22-12-7.5. Any unused part of the transfer under this**
16 **subsection may be used for the other purposes specified in**
17 **IC 14-22-3-5(a).**

18 (b) The money in the fund may be used for no other purpose.

19 SECTION 4. IC 14-22-12-7.5 IS ADDED TO THE INDIANA
20 CODE AS A NEW SECTION TO READ AS FOLLOWS
21 [EFFECTIVE JULY 1, 2003]: Sec. 7.5. (a) **As used in this section,**
22 **"automated point of sale licensing system" means a system**
23 **designed to dispense hunting, fishing, and trapping licenses.**

24 (b) **Before July 1, 2005, the department shall develop and**
25 **implement an automated point of sale licensing system for use in**
26 **Indiana for the sale of hunting, fishing, and trapping licenses to**
27 **residents and nonresidents of Indiana.**

28 (c) **The department shall adopt rules under IC 4-22-2 to**
29 **implement this section.**

30 SECTION 5. IC 14-22-12-8 IS AMENDED TO READ AS
31 FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 8. (a) ~~Except as~~
32 ~~provided in subsection (b);~~ Each license agent who is authorized to sell
33 licenses under this article shall retain a seventy-five cent (\$0.75)
34 service fee for each license sold.

35 (b) ~~The subagents of the clerk of the circuit court are entitled to a~~
36 ~~fifty cent (\$0.50) service fee for each license sold. The remaining~~
37 ~~twenty-five cents (\$0.25) of the service fee shall be retained by the~~
38 ~~clerk of the circuit court or the distributing agent who distributes~~
39 ~~licenses to the subagents.~~

40 SECTION 6. IC 14-22-12-9 IS AMENDED TO READ AS
41 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 9. (a) ~~Each clerk of the~~
42 ~~circuit court or agent selling licenses under this article shall report to~~

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the director within five (5) days after the close of each quarter the following:

(1) The number of each respective kind of licenses sold during the preceding quarter.

(2) The serial numbers of the licenses.

(3) The number of unsold licenses of each kind remaining in the possession of the clerk or agent.

(b) At the time of making the report, the clerk or agent shall remit all money collected for the licenses.

(c) The clerk of the circuit court in each county shall retain as the property of the county the service fees provided by section 8 of this chapter from the sale of licenses sold by the clerk. The clerk shall pay the fees promptly into the county general fund as other fees are paid. subject to section 12 of this chapter.

SECTION 7. IC 14-22-12-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 11. (a) Agents designated by the director and serving directly under the director's supervision must be bonded in the same manner and to the same effect as subagents. execute a bond meeting the following requirements:

(1) The bond is payable to the state in an amount:

(A) not less than five thousand dollars (\$5,000); but

(B) sufficient to cover the value of licenses distributed to the agent.

(2) The surety is approved by the director.

(3) The bond is conditioned on the proper selling of the licenses and proper accounting for all money due to the state.

(b) An agent's obligations under this section expire on the earlier of:

(1) the date on which the agent begins offering hunting, fishing, and trapping licenses for sale under an automated point of sale licensing system implemented under section 7.5 of this chapter; or

(2) July 1, 2005.

SECTION 8. IC 14-22-13-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 1. (a) This section applies to the following:

(1) The waters of the state.

(2) The boundary waters of the state, except Lake Michigan and the Ohio River.

(b) The department may issue to an individual who is a resident of Indiana a license to use in and to possess for use in the water seines, hoop nets, fyke nets, basket traps, basket nets, or trap nets under rules



adopted under IC 4-22-2 upon payment of the following fee:

(1) For seines, except legal minnow seines, twenty dollars (\$20) for each one hundred (100) yards and fraction thereof.

(2) For each dip net, hoop net, basket trap, basket net, trap net, or fyke net, ~~four ten~~ dollars (~~\$4~~). **(\$10).**

SECTION 9. IC 14-22-15-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 2. The annual fee for a charter fishing boat operator's license for a resident or a nonresident is one hundred ~~twenty-five~~ dollars (~~\$100~~). **(\$125).**

SECTION 10. IC 14-22-16-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 1. (a) A person engaging in or continuing to engage in the business of taking, catching, selling, or bartering live minnows and crayfish for bait shall file an application with the division for a bait dealer's license. The application and the license must be on forms prescribed by the director.

(b) The fee for a license is as follows:

(1) ~~Ten Thirty~~ dollars (~~\$10~~) **(\$30)** for residents.

(2) Fifty dollars (\$50) for nonresidents.

SECTION 11. IC 14-22-19-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 2. The department may issue the following licenses to engage in the business of buying furbearing mammals or the untanned hides, skins, and furs of furbearing mammals in Indiana upon payment of the following license fees:

(1) A resident buyer's license, authorizing purchases direct from trappers or from other licensed buyers, ~~seventy-five one hundred~~ dollars (~~\$75~~). **(\$100).**

(2) A nonresident buyer's license, authorizing purchases direct from trappers or from other licensed buyers, ~~one two hundred twenty-five~~ dollars (~~\$125~~). **(\$200).**

SECTION 12. IC 14-22-21-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 2. The department may, under rules adopted under IC 4-22-2, issue to a person, upon payment of a fee of ~~fifteen forty-five~~ dollars (~~\$15~~), **(\$45)**, a license to possess for taxidermy purposes a wild animal or the hide or skin of a wild animal:

(1) protected by Indiana law; and

(2) during the closed season for the animal.

SECTION 13. IC 14-22-22-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 2. An application for a license must:

(1) bear the signature of two (2) relevant scientists as references

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to:

- (A) the character;
 - (B) academic and scientific accomplishments; and
 - (C) fitness;
- of the applicant; and

(2) be accompanied by a fee of ~~ten~~ **twenty** dollars (~~\$10~~). (**\$20**).

SECTION 14. IC 14-22-23-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 3. The fee for a falconry license is ~~sixty~~ **seventy-five** dollars (~~\$60~~). (**\$75**).

SECTION 15. IC 14-22-24-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 2. (a) The department may issue a permit for a fee of ten dollars (\$10) to a person to conduct a field trial under rules adopted under IC 4-22-2 for the protection of wild animals. The rules shall be incorporated in or attached to the permit when issued.

(b) The department may issue an annual permit to a person to conduct field trials under rules adopted under IC 4-22-2 for the protection of wild animals. The rules shall be incorporated in or attached to the annual permit. The fee for an annual permit is ten dollars (\$10) for each field trial conducted under the annual permit. To obtain an annual permit under this subsection, a person must provide the department a list containing the date and location of each field trial to be conducted under the permit.

SECTION 16. IC 14-22-25-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 3. An application for a permit must be filed with the director not less than ten (10) days before the proposed date of importation. A fee of ~~five~~ **fifteen** dollars (~~\$5~~) (**\$15**) must accompany the application.

SECTION 17. IC 14-22-26-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 4. A permit issued under this chapter:

- (1) must be in the form prescribed by the director;
- (2) may not be issued unless the director is satisfied that the permit should be issued;
- (3) has an expiration date fixed by the director; and
- (4) has ~~a~~ **an annual** fee of ten dollars (\$10).

SECTION 18. IC 14-22-27-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 2. The fee for a permit under this chapter is ~~three~~ **fifteen** dollars (~~\$3~~). (**\$15**).

SECTION 19. IC 14-22-28-1, AS AMENDED BY P.L.155-2002, SECTION 7 AND P.L.158-2002, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 1. (a) The

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1 director may issue to a person that owns or has an interest in property
 2 being damaged or threatened with damage by a wild animal protected
 3 by this article a free permit to take, kill, or capture the wild animal.

4 **(b) The director may issue to a governmental entity or a person**
 5 **who charges a fee for providing nuisance wild animal control**
 6 **services to the public a permit to take, kill, or capture a wild**
 7 **animal protected by this article. The annual fee for a permit issued**
 8 **under this subsection is fifteen dollars (\$15).**

9 SECTION 20. IC 14-22-28-6 IS ADDED TO THE INDIANA
 10 CODE AS A NEW SECTION TO READ AS FOLLOWS
 11 [EFFECTIVE JULY 1, 2003]: **Sec. 6. A permit issued under this**
 12 **chapter expires December 31 following the date of issue.**

13 SECTION 21. IC 14-22-31-2 IS AMENDED TO READ AS
 14 FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 2. An application for
 15 a license under section 1 of this chapter must be accompanied by a fee
 16 of one hundred ~~twenty~~ dollars ~~(\$100)~~ **(\$120)** with the application.

17 SECTION 22. THE FOLLOWING ARE REPEALED [EFFECTIVE
 18 JULY 1, 2005]: IC 14-22-12-10; IC 14-22-12-12; IC 14-22-12-13.

19 SECTION 23. [EFFECTIVE JULY 1, 2003] **(a) Notwithstanding**
 20 **IC 14-22-4-6, as amended by this act, on July 1, 2003, an amount**
 21 **not to exceed twenty-five percent (25%) of the money in the**
 22 **lifetime hunting, fishing, and trapping license trust fund**
 23 **established by IC 14-22-4-2 shall be transferred to the fish and**
 24 **wildlife fund established by IC 14-22-3-2 to develop and implement**
 25 **the automated point of sale licensing system under IC 14-22-12-7.5,**
 26 **as added by this act.**

27 **(b) This SECTION expires June 30, 2006.**

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Agriculture, Natural Resources and Rural Development, to which was referred House Bill 1656, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, between lines 29 and 30, begin a new paragraph and insert:

"SECTION 5. IC 14-22-12-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 8. ~~(a) Except as provided in subsection (b);~~ Each license agent who is authorized to sell licenses under this article shall retain a seventy-five cent (\$0.75) service fee for each license sold.

~~(b) The subagents of the clerk of the circuit court are entitled to a fifty cent (\$0.50) service fee for each license sold. The remaining twenty-five cents (\$0.25) of the service fee shall be retained by the clerk of the circuit court or the distributing agent who distributes licenses to the subagents."~~

Page 3, line 3, delete "paid," and insert "paid."

Page 3, strike line 4.

Page 3, delete lines 5 through 15, begin a new paragraph and insert:

"SECTION 7. IC 14-22-12-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 11. **(a)** Agents designated by the director and serving directly under the director's supervision must ~~be bonded in the same manner and to the same effect as subagents.~~ **execute a bond meeting the following requirements:**

(1) The bond is payable to the state in an amount:

(A) not less than five thousand dollars (\$5,000); but

(B) sufficient to cover the value of licenses distributed to the agent.

(2) The surety is approved by the director.

(3) The bond is conditioned on the proper selling of the licenses and proper accounting for all money due to the state.

(b) An agent's obligations under this section expire on the earlier of:

(1) the date on which the agent begins offering hunting, fishing, and trapping licenses for sale under an automated point of sale licensing system implemented under section 7.5 of this chapter; or

(2) July 1, 2005."

Page 5, line 38, delete "IC 14-22-12-11;" and insert "IC 14-22-12-10; IC 14-22-12-12;".



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Renumber all SECTIONS consecutively.
and when so amended that said bill do pass.

(Reference is to HB 1656 as introduced.)

BISCHOFF, Chair

Committee Vote: yeas 12, nays 1.

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred House Bill 1656, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

CRAWFORD, Chair

Committee Vote: yeas 27, nays 1.

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EH 1656—LS 7434/DI 77+



HOUSE MOTION

Mr. Speaker: I move that House Bill 1656 be amended to read as follows:

Page 5, line 20, after "2." insert "(a)".

Page 5, line 21, reset in roman "ten".

Page 5, line 21, delete "fifteen".

Page 5, line 21, reset in roman "(\$10)".

Page 5, line 21, delete "(\$15)".

Page 5, between lines 24 and 25, begin a new paragraph and insert:

"(b) The department may issue an annual permit to a person to conduct field trials under rules adopted under IC 4-22-2 for the protection of wild animals. The rules shall be incorporated in or attached to the annual permit. The fee for an annual permit is ten dollars (\$10) for each field trial conducted under the annual permit. To obtain an annual permit under this subsection, a person must provide the department a list containing the date and location of each field trial to be conducted under the permit."

(Reference is to HB 1656 as printed February 14, 2003.)

BISCHOFF

 HOUSE MOTION

Mr. Speaker: I move that House Bill 1656 be amended to read as follows:

Page 4, delete lines 31 through 39.

Page 5, delete lines 41 through 42.

Page 6, delete lines 1 through 4, begin a new paragraph and insert:

"SECTION 20. IC 14-22-28-1, AS AMENDED BY P.L.155-2002, SECTION 7 AND P.L.158-2002, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 1. (a) The director may issue to a person that owns or has an interest in property being damaged or threatened with damage by a wild animal protected by this article a free permit to take, kill, or capture the wild animal.

(b) The director may issue to a person who charges a fee for providing nuisance wild animal control services to the public a permit to take, kill, or capture a wild animal protected by this article. The annual fee for a permit issued under this subsection is fifteen dollars (\$15)."

Page 6, line 7, delete "The fee for a" and insert "A".

EH 1656—LS 7434/DI 77+



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Page 6, line 7, after "permit" insert "**issued**".

Page 6, line 8, delete "is fifteen dollars (\$15)." and insert "**expires
December 31 following the date of issue.**".

Renumber all SECTIONS consecutively.

(Reference is to HB 1656 as printed February 14, 2003.)

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COMMITTEE REPORT

Mr. President: The Senate Committee on Natural Resources, to which was referred House Bill No. 1656, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 4, line 4, delete "dip-net, hoop-net" and insert "dip net, hoop net".

Page 4, line 4, delete "trap-net" and insert "trap net".

Page 4, line 5, delete "fyke-net" and insert "fyke net".

Page 6, line 4, after "to" insert "**a governmental entity or**".

Page 6, line 9, after "IC 14-22-28-6" delete ",".

and when so amended that said bill do pass and be reassigned to the Senate Committee on Finance.

(Reference is to HB 1656 as reprinted February 19, 2003.)

WEATHERWAX, Chairperson

Committee Vote: Yeas 7, Nays 0.

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